

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DELANO HOWARD,	:	CIVIL ACTION NO. 1:20-CV-2213
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
AT&T MOBILITY SERVICES, LLC,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 2nd day of May, 2022, upon consideration of the motion (Doc. 17) filed by defendant AT&T Mobility Services, LLC (“AT&T”), seeking to dismiss plaintiff Delano Howard’s complaint (Doc. 1) for failure to state a claim upon which relief may be granted, and the parties’ respective briefs in support of and in opposition thereto, and for the reasons set forth in the accompanying memorandum of today’s date, it is hereby ORDERED that:

1. AT&T’s motion (Doc. 17) is GRANTED in part and DENIED in part as follows:
 - a. The motion (Doc. 17) is GRANTED to the extent Howard’s Title VII and PHRA race-discrimination claims are DISMISSED with leave to amend.
 - b. The motion (Doc. 17) is otherwise DENIED.
2. Howard is granted leave to amend his complaint in conformity with the accompanying memorandum within 14 days of the date of this order. In the absence of a timely filed amended complaint, the above-captioned action shall proceed on Howard’s ADEA and PHRA age-discrimination and retaliation claims alone.

3. AT&T's deadline to respond to the complaint under Federal Rule of Civil Procedure 12(a)(4)(A) is DEFERRED for the duration of the 14-day amendment period set forth in paragraph 2 above.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania